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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marcel Loetscher and Bernhard Moser

Application No.: 09/633,541 Group Art Unit: 1646

Filed: August 7, 2000 Examiner: J. Murphy

For: IP-10/MIG RECEPTOR DESIGNATED CXCR3, NUCLEIC ACIDS, AND METHODS
OF USE THEREFOR

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on	_____
Date	Signature
Typed or printed name of person signing certificate	

REPLY TO RESTRICTION REQUIREMENT
AND
REPLY TO NOTICE TO COMPLY WITH 37 C.F.R. §§1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The Office Communication dated February 12, 2001 sets forth a Restriction Requirement and includes a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures. Applicants' replies to the Restriction Requirement and to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures are set forth below under appropriate headings. A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures is enclosed.

Restriction Requirement

Responsive to the Restriction Requirement, the claims of Group 1 (Claims 30-48 and 60-92), which the Examiner defines as being drawn to a method of detecting or identifying an agent that binds CXCR3, are elected for prosecution. It is noted that Claims 30-37, 69, 70, 85 and 86 are drawn to a method of detecting or identifying an agent which binds a mammalian CXCR3 protein or a ligand binding variant thereof, Claim 38-45, 60-62, 71, 72 75-84 and 87-88 are drawn to a method of detecting or identifying an inhibitor of ligand binding to a mammalian CXCR3 protein or a ligand binding variant thereof, Claims 46, 47, 63-65, 73, 89 and 90 are drawn to a method of detecting or identifying an inhibitor of a mammalian (e.g., human) CXCR3 protein or functional variant thereof, and Claims 48, 66-68, 74, 91 and 92 are drawn to a method of detecting or identifying a promoter of a mammalian CXCR3 protein or functional variant thereof.

The Examiner is requested to confirm that the invention of Group I includes the subject matter of Claims 30-48 and 60-92 in the next Office Communication.

Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures

The Notice indicates that the application does not comply with the requirements of 37 C.F.R. §§ 1.821-1.825, because "[a]pplicants should follow the format of the attached sample statement to request that the CRF filed in the parent application be used to create a CRF in this application" (Notice, at paragraph 7).

It is believed that the Notice was issued in error, because the subject application fully complied with the requirements of 37 C.F.R. §§ 1.821-1.825 as filed.

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Specifically, on August 7, 2000, a Request Under 37 C.F.R. §1.821(e) was filed concurrently with the application. In accordance with 37 C.F.R. § 1.821(e), Applicants requested that the computer readable form of the "Sequence Listing" filed on September 10, 1996 in prior Application No. 08/709,838, filed on September 10, 1996, serve as the computer readable form for the subject application. As further required by 37 C.F.R. § 1.821(e), Applicants' Attorney, Helen E. Wendler, stated that the content of the Sequence Listing in paper form filed with the subject application and the content of the referenced computer readable form of the Sequence Listing filed in prior Application No. 08/709,838 are the same. Transmitted herewith is a copy of the Request Under 37 C.F.R. §1.821(e), as filed on August 7, 2000. Also enclosed is a copy of the postcard receipt submitted with the application, stamped by the Patent Office, evidencing receipt of the Request Under 37 C.F.R. §1.821(e) by the Patent Office.

In view of the compliance with 37 C.F.R. § 1.821(e), it is believed that no additional computer readable form or statements are required and that the subject application complies with the requirements of 37 C.F.R. §§ 1.821-1.825. Applicants respectfully request reconsideration and withdrawal of the requirements of the Notice to Comply.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Robert H. Underwood

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Lexington, Massachusetts 02421-4799

Dated: *March 12, 2001*

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Marcel Loetscher and Bernhard Moser

Continuation of:



Application No.: 08/709,838

Filed: September 10, 1996

Title: IP-10/MIG RECEPTOR DESIGNATED CXCR3, NUCLEIC ACIDS,
AND METHODS OF USE THEREFOR

Date: 8-7-00	Express Mail Label No. EL3877773854S
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REQUEST UNDER 37 C.F.R. §1.821(e)

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.821(e), it is hereby requested that the computer readable form of the Sequence Listing filed on September 10, 1996 in prior Application No. 08/709,838, filed September 10, 1996, serve as the computer readable form for the subject application.

As required by 37 C.F.R. § 1.821(e), the undersigned hereby states that the content of the Sequence Listing in paper form filed concurrently herewith and the content of the above-referenced computer readable form of the Sequence Listing filed in prior Application No. 08/709,838 are the same.

Respectfully submitted.

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Helen E. Wendler
Helen E. Wendler
Registration No. 37,964
Telephone (781) 861-6240
Facsimile (781) 861-9540

Lexington, MA 02421-4799

Date:

August 7, 2000



COPY

Initials: HEW/RHU/ddg Docket No.: 2225.1001-010 Date: 8/7/00

This acknowledges receipt of X CONTINUATION DIVISION 53(b) as follows:

- X Application Transmittal Express Mail Label No. EL387777385US
- X Fee Transmittal w/copy
- X Specification - Total pages 87
- X Drawings Formal X Informal - Total sheets 4
- X Copy of executed Declaration/POA from prior Application No. 08/709,838
- X Sequence Listing in Paper Form
- X Other Preliminary Amendment, Information Disclosure Statement, Form 1449
(3 pages), Request Under 37 CFR 1.821(e) and Remarks letter
- X Check for \$ 2,256.00 Authorization to Charge all Fees

Applicants: Marcel Loetscher and Bernhard Moser

X Continuation Division of Application No. 08/709,838 filed 9/10/96

Title: IP-10/MIG RECEPTOR DESIGNATED CXCR3, NUCLEIC ACIDS,
AND METHODS OF USE THEREFOR

Date received by the PTO:

ODMA\MHODMA\iManage\128524\1

JC864 U.S. PTO

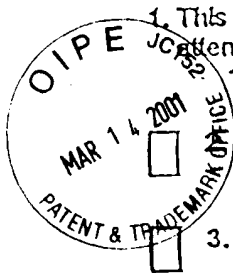
09/633541



09/833541

Application No.: ~~09/~~**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.

This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Applicant should follow the format of the attached sample statement to request that the CRF filed in the parent application be used to create a CRF in this application.

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE